



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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08/01/01

In the Application of:

Axel Ullrich et al.

Application Number: 09/551,188

Group Art Unit: 1646

Filed: April 17, 2000

Examiner: C. Saoud

For: DNA ENCODING MCK-10, A NOVEL
RECEPTOR TYROSINE KINASE

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RESPONSE TO EXAMINER'S ACTION
REQUESTING COMPLIANCE UNDER 37 C.F.R. § 1.821 – 1.825

Commissioner of Patents
Washington, DC 20231

Sir:

Pursuant to the Examiner's Office Action mailed June 29, 2001 (Paper No. 10), in connection with the above referenced application, Applicants submit a Sequence Listing in paper and reference to a previously filed identical computer readable form.

The Patent Office is reminded that Applicants previously filed a Revocation of Prior Powers of Attorney and a Change of Correspondence Address, on October 10, 2000. Copies are enclosed along with the Patent and Trademark Office date receipt card. Please direct all future correspondence to the undersigned.

Specification

The Examiner alleges that this application "fails to comply with the requirements of 37 C.F.R. § 1.821-1.825..." Paper No. 10 at page 1.

In response to the Examiner's rejection, Applicants state that the paper copy of the Sequence Listing submitted with this application, 09/551,188, is identical to the computer readable copy of the Sequence Listing in parent application 08/153,397, filed November 16, 1993. In accordance with 37 C.F.R. § 1.821(e), please use the last filed computer readable form filed in that application as the computer readable form for the instant application. It is understood that the Patent and Trademark office will make the necessary change in the application number and filing date for the instant application. A paper copy of the Sequence

Listing is included in the originally filed specification included in the amendment filed in the parent case on May 8, 1996. A copy of this sequence listing is supplied herewith as a courtesy to the Examiner.

I hereby state that the content of the paper and computer readable copies of the Sequence Listing, submitted in accordance with 37 C.F.R. § 1.821 (c) and (e), respectively, are the same.

CONCLUSION

If there are any fees due in connection with the filing of this Amendment, please charge the fees to our Deposit Account No. 19-0741. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

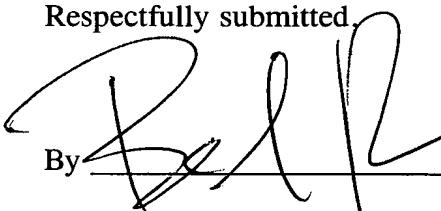
Date

July 30, 2001

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Respectfully submitted,

By


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**NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING
NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES**

Applicant must file the items indicated below within the time period set the Office action to which the Notice is attached to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 CFR 1.136(a)).

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):



1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).
2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
7. Other: _____

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Applicant Must Provide:

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- An *initial* or substitute **computer readable form (CRF) copy** of the "Sequence Listing".
- An *initial* or substitute **paper copy** of the "Sequence Listing", as well as an amendment directing its entry into the specification.
- A **statement** that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216
For CRF Submission Help, call (703) 308-4212
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